Secta. II-27—58,004—27-10-47.

PUBLIC (SEPARATION) **(1948) Department.**

Miscellaneous **SERIES.**

Passed
Supdt.
29/12/48

G.O. NO. 3292

Dated 28--12--1948

P 23
C

[Despatch Abstract.]

Separation of the Judiciary from the Executive - South Kanara District - Constitution and establishment of Courts - Retrenchment in the Revenue Department - Proposals - Papers Recorded -

Back Papers.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Further Papers.

G.O.	No.	Department.	Date.	G O.	No.	Department.	Date.

GOVERNMENT OF MADRAS.
Public (Separation) Department.
Lr.No.26/47--1.

Fort St.George,
19th Septr.1947.

From

Sri P.V.Balakrishna Iyer, M.A., I.C.S.,
Additional Secretary to Government.

To

The Secretary to the Board of Revenue,
Chepauk.

Sir,

Separation of the Judiciary from the Executive
Information in re: Statistics - Requested.

I have the honour to request you to be so good as to call for from Collectors and District Magistrates and forward to me in the form below the information required therein with such remarks, as the Board desires to offer. The information is required in respect of every Revenue Divisional officer and Deputy Tahsildar.

I. Revenue Divisional Officer of _____

Particulars.	1938.	1939.	1940.	Average for 3 years.	1944.	1945.	1946.	Average for 3 years.
Work in Court.								
1.The No.of original criminal cases tried, whether under the I.P.C., Arms Act or other statutes or ordinances.								
2.Total No.of witnesses examined.								
NOTE (a). If it is not possible to give the number of witnesses examined, it will be sufficient to give the number of witnesses summoned. But the information must be furnished on a uniform basis for all the years, i.e., either the No.of witnesses examined or the No.of witnesses summoned, should be given. The two must not be mixed up.								
3.No.of miscellaneous cases tried under the Cr.P.C., and other enactments, including cases under Sec.107 to 110, 145, 488 Cr. P.C.								
4.Total No.of witnesses examined or summoned under item 3.								
NOTE (b). (See Note (a)).								
5.No.of criminal appeals disposed of summarily.								
6.No.of Criminal appeals heard in court.								
7.No.of suits tried under the Madras Estates Land Act.								

(P.T.O.

NOTE (c). If a special Deputy Collector for dealing with the Estates Land Work is being posted from time to time to any division, information may be furnished as to how many months per year on an average (the average for the last 5 years) is he employed in this work?

8. No.of suits tried to recover offices of Village headman, karnam, village artisans, or the emoluments attached thereto.

OFFICE WORK.

9. Total No.of references registered - not merely received in the office.

NOTE (d). Has there been any and if so what increase in the clerical establishment of the Revenue Divisional Office between 1938 to 1946.

OUTDOOR WORK.

10. Compared to the 1st [illegible], has there been any and if so, what increase in the number of days spent on camp.

11. Is there any and if so what increase in the No.of days spent on out-door inspection?

12. The No.of days, if any, on which the Revenue Divisional Officers have actually visited villages to procure grain during 1946 and in the 1st half of 1947.

II. Deputy Tahsildar of _____

1. The No.of original cases tried under the I.P.C.

NOTE (e). Exclude those summons cases in which the accused pleaded guilty.

2. No.of witnesses examined.

NOTE (f). Vide Note (a).

3. No.of cases tried under the Town Nuisance Act and other minor Acts.

4. No.of punishment rolls against Village Officers in respect of which the Deputy Tahsildar has had actually to examine witnesses

5. Total No.of references received and registered.

NOTE (g). Vide Note (d).

NOTE (h). If the figures for any particular year are not available, figures for an earlier or subsequent year may be furnished so that the average for 3 years can be worked out.

Constitution and Establishment of Criminal Courts.

NOTE:- Please answer the queries below in consultation with the District and Sessions Judge.

(1) How many 1st Class Magistrates will be required to deal with the 1st Class cases arising from the District including Criminal Appeals?

NOTE. In estimating the volume of work, proceed initially on the basis that the average volume of work for the years 1938, 39 and 40 is likely to be the normal volume of work and then modify the estimate wherever necessary in the light of altered circumstances. It must be borne in mind that prosecutions under the Defence of India Rules and the like notifications are not likely to continue. On the other hand it should be anticipated that with the extension of prohibition, there will be prosecutions under the Prohibition Act. But at the same time, where prohibition is enforced, there is bound to be a drop in the No.of offences under the Indian Penal Code and similar enactments.

(2) Where do you recommend that the new Courts should be located?

NOTE: The jurisdiction of these magistrates need not be coterminous with the existing or future Revenue Divisions.

SECOND CLASS MAGISTRATES.

1. How many 2nd Class Magistrates will be required to deal with the 2nd Class cases arising in the District?

2. Where do you suggest that they can be most conveniently located?

NOTE. The jurisdiction of the Sub-Magistrates need not be coterminous with the existing taluk boundaries. In order to distribute the work more evenly, Sub-Magistrates may be given jurisdiction over parts of a taluk, a whole taluk or an area larger than a taluk according to the volume of work in particular districts.

Your obedient servant,

P.V.BALAKRISHNA IYER,
Addl.Secretary to Govt.

Government of Madras.
Public (Separation) Department.
Memorandum No. 44/47-1, dated the 30th September 1947.

Sepration of the Judiciary from the Executive - Proposals for retrenchment in the Revenue Department.

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1. Government desire to investigate in detail what measure of retrenchment would be possible in the personnel etc., of the Revenue Department working in the districts. When the entire criminal work that they are doing at present is taken away from them and entrusted to a now set of judicial officers. It is realised that various new items of work are from time to time thrown upon the Revenue Department and that in consequence it may not be advisable to effect as extensive a measure of retrenchment as might otherwise be possible. It is however felt that the criminal work normally occupies so much of the time of Revenue Divisional Officers and Deputy Tahsildars that when they are relieved of this duty, it ought to be possible to enlarge their territorial jurisdiction. Further relief to Revenue Divisional Officers will result by the conversion of zamindari areas into ryotwari tenures as that will eliminate work in connection with the Estates Land Act. How far we can proceed in the direction of retrenchment would naturally depend upon the circumstances peculiar to each district,

2. Three suggestions have been put forward:--

1. That the number of Revenue Divisional Officers in a district be reduced by so distributing the taluks that each of the revenue divisions as are retained will have one more taluk than it now has. That is to say, where a Revenue Divisional Officer now has 2 taluks, he will have 3 and where he has 3 he will have 4.

2. The territorial jurisdiction of the Revenue Divisional Officers be so enlarged that each of them will have to look after roughly, say, 3 wot taluks or 4 dry taluks or a combination on the hypothesis that the work relating to 3 wot taluks may be treated as equal to that relating to 4 dry taluks.

3. Including the Personal Assistant to the Collector in the category of Revenue Divisional Officers, it should be possible to eliminate 1 Revenue Divisional Officer out of every 4 in every district.

3. Keeping in view the fact that it is desired to effect as large a measure of retrenchment as possible, Collectors are requested to consider which of the 3 suggestions put forward above would be most appropriate to the particular district they are dealing with and submit on that basis proposals for retrenchment in the category of Revenue Divisional Officers. The reports should show what the head-quarters and the areas of the proposed revenue divisions would be. Collectors may proceed on the assumption that the entire province would become ryotwari and that there would be

P.T.O.

s special staff working out the transfer from zamindri to ryotwari.

4. If any different basis of retrenchment appears to be practicable, alternative proposals on that basis may also be submitted.

5. Similar proposals for retrenchment should also be formulated in respect of Deptuy Tahsildars. The suggestion made in respect of them is that it ought to be possible to eliminate two out of 5 Deputy Tahsildars.

6. It may be assumed that the offices of the existing Stationary Sub Magistrates will continue. In this Department letter No. 26/47-1, dated the 19th Sept, 194 to the Secretary to the Board of Revenue - copies of which must have been communicated to all Collectors - proposals were called for as regards the constitution and location of criminal courts. The proposals for retrenchment which are now called for should be co-ordinated with these; if finally approved by Government would render certain Court houses and their equipment surplus to the Revenue Department and the possibility of utilising such surplus should be considered in framing proposals for the constitution and location of criminal courts.

7. The proposals may be submitted to Government through the Board of Revenue.

P.V. Balakrishna Iyer,
Additional Secretary to Government.

To all Collectors and District Magistrates.
Copy to the Secretary to the Board of Revenue

Forwarded/By Order/

Superintendent.

ns/11-10

proposals, that is to say, the proposals for retrenchment

GOVERNMENT OF MADRAS.
Public (Separation) Department.

MEMORANDUM No. 44/47-6, dated 3rd November 1947.

Separation of the Judiciary from the Executive - Proposals for retrenchment in the Revenue Department - This Department's letter No.26/47-1, dated 19-9-47 and Memo No.44/47-1, dated 30-9-47.

The attention of all Collectors is drawn to the communications from this Department quoted above. All the information and particulars called for therein have to be ~~xxxxxxxxx~~ collated and made ready for examination by the Cabinet Sub Committee before it next meets. Collectors are requested to pay very particular attention to the matter and handle it with the utmost possible despatch.

P.V.BALAKRISHNA IYER,
Addl.Secretary to Govt.

To
All Collectors except Madura and Coimbatore (Para 1 only).
The Collectors of Madura & Coimbatore (Paras 1 & 2.)
Copy to the Board of Revenue, Madras.

Forwarded/By order

Superintendent.

GOVERNMENT OF MADRAS.

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D.O.No.44/47-9.

Public (Separation)
Fort St. George,
6th December 1947

My dear

Sub:- Separation of the Judiciary from the Executive--
Retrenchment in the Revenue Department.
Ref:- This Department's letter No.26/47-1 dated 19th September 1947 and Memo No.44/47-1 dated 30th September 1947.

Please see the reference cited. More than two months have elapsed since it was issued and a reminder was also sent to you on 3rd November 1947. Still no reply has so far been received. The meeting of the Cabinet Sub-Committee scheduled for the 1st December 1947 had to be adjourned for lack of the particulars called for. I am to request that you will treat this reference as 'Special', pay your personal attention to the matter and see that a reply is sent without any more delay.

Yours sincerely

(Sd.) P.V.Balakrishna Iyer

To
All Collectors except
South Arcot and the Nilgiris.

D.O.

Collector's Office, South Kanara,
Mangalore, Dated 9th December 1947.

My dear Balakrishna Aiyar,

Separation of the Judiciary from the Executive - Retrenchment in the Revenue Department - Report --

---

Reference: Your D.O. No.44/47-1 dated 6- 12- 1947.

The report called for in the Government Memo No.44/47-1 dated 30- 9- 1947 was submitted through the Board of Revenue in this office report D.Dis.13476/47 dated 18- 11- 1947, a copy of which is enclosed The report was sent through the Board and not directly to Government as required in that Government Memorandum. The particulars required in the Government letter No.26/47-1 dated 19- 9- 1947 were called for by the Board of Revenue and they were reported to the Board in this office D.Dis.12951/47 dated 18- 11- 1947, copy enclosed. Government's letter No. 26/47- 1 Public (Separation) dated 19-9-1947 referred to in your D.O. has not been received at all in my office.

Yours sincerely,

To

P.V.Balakrishna Aiyar Esq.,
M.A.,I.C.S.,
Additional Secretary to Government,
Public (Separation) Department,
Fort St. George, Madras.

Pub(Sep)
Submitted for perusal
The Bd's remarks may be awaited.
12.12.47
12.12.'47.

If the Beltangady Dy.Tahsildar's division is re-trenched, Puttur Tahsildar's jurisdiction will become very unwieldy and the Tahsildar will not be able to do his routine revenue work allowed for each year in which case some items of Revenue work such as village visits, azmaish etc., have to be spread over a cycle of two years. It may also be necessary to enhance the F.T.A. of the Tahsildar. In view of the need for retrenchment and the want of work sufficient for one Dy.Tahsildar at Beltangady the abolition of the Dy. Tahsildar's Post at Beltangady and adding it on to the Puttur Tahsildar's Jurisidiction with the concessions referred to above and enhancement of F.I.A. to the Tahsildar is recommended.

(True Copy)

Asst. Commr.
Puttur
Dt. 10.10.47

D.Dis.No.12951-47.

South Kanara Collector's Office,
Mangalore, dated: 18-11-1947.

From

Sri S. B a l a j i R a o,
Hd. Qrs. Dy. Collector in charge, South Kanara.

To

The Secretary to the Board of Revenue,
Land Revenue & Irrigation, Madras.

S i r,

SEPARATION OF THE JUDICIARY FROM THE EXECUTIVE - Reduction in the number of Revenue Divisions and Deputy Tahsildar's charges - Report submitted.

Reference: Board's Refee.No.W. 8335/47-5 dated 24-9-1947.

The particulars called for in the form prescribed in the Board's reference cited are furnished in Annexures I and II. Annexure I - furnishes particulars in respect of each Revenue Divisional Officer and Annexure II furnishes particulars in respect of each Dy.Tahsildar in this District.

2. Regarding the constitution and establishment of Criminal Courts, I send the following proposals in consultation with the District Judge, Mangalore who is in full agreement with them.

At present, besides the Dt.Magistrate and the Special First Class Magistrate, there are three Sub-divisional First Class Magistrates in this district as shown below:

1. Sub-Divisional Magistrate, Mangalore: with headquarters at Mangalore and having jurisdiction over the whole of Mangalore Taluk.

2. Sub-Divisional Magistrate,Puttur: With headquarters at Puttur and having jurisdiction over the whole of Puttur and Kasaragod Taluks.

3. Sub-Divisional MagistrateCoondapur: With headquarters at Coondapur and having jurisdiction over the whole of Coondapur, Taluk Karkal and Udipi Taluk.

With the proposed retrenchment of one Sub-Divl.Magistrate, ~~only two I class Magistrates~~ the District will have only two I Class Magistrates. The jurisdiction of the two Sub-Divl.Magistrates is proposed to be re-allotted as follows:

(1) Sub-Divl.I Cl.Magistrate, Udipi, with headquarters at UDIPI and having jurisdiction over Coondapur, Udipi and Karkal Taluk and Mangalore Taluk (Rural) (Outside the Mangalore Municipality).

Sub-Divl.I Class Magistrate, Puttur with Headquarters at Puttur and having jurisdiction over the whole of Puttur and Kasaragod Taluks.

The Dt.Magistrate with headquarters at Mangalore may have original jurisdiction in Mangalore Municipality area along with supervision over the District besides administrative control over the Police as at present. He will have administrative control over all the I and II class Magistrates in the District with powers to hear revision petitions. He will also hear appeals against the orders of the II Class Magistrates in Mangalore Municipal area.

So far as II Cl.Magintrates are concerned, one will be required for each Taluk with headquarters at each of the six Taluks headquarters in this district. The Managalore Taluk, however, requires an additional II Class Magistrate in view of the unwieldy nature of the work of the Stry.Sub-Magistrate,Mangalore. The S.S.Magistrate at Mangalore may be designated as Town Sub-Magistrate with jurisdiction over Mangalore Municipality only. The Addl.II Class Magistrate designated as Taluk Sub-Magistrate will be for Mangalore Rural Area with jurisdiction over the entire Mangalore Taluk Rural (outside Mangalore Municipality) and Manjeshwar Rev.Inspector's Firka of Kasaragod Taluk. No separate II Class Magistrate for Hosdrug is necessary as with the proposed bifurcation, there is no scope for sufficient work for having separate II Class Magistrates for any of the ~~by~~ Tahsildars divisions in the district. The Stry.Sub-Magistrate,Kasaragod will have jurisdiction over the whole of Kasaragod Taluk excluding Manjeshwar Firka which has been proposed to be included in the jurisdiction of the Stry.Sub-Magistrate, Mangalore rural area.

True Copy/ ~~Collector~~.

9-12-47

12.12.47

ANNEXURE I.

Statistics showing the particulars of work in the Revenue divisional Offices in South Kanara district.

Particulars.	Name of offices.	1938.	1939	1940	Average of 3 yrs.	1944	1945	1946	Average of 3 years.
Work in Court. 1. No of original criminal cases tried whether under the I.P.C Arms act or other statutes or Ordinances.	Mangalore.	63	131	143	112	320	229	276	277
	Coondapur	45	46	67	53	251	183	115	183
	Puttur	66	92	89	79	145	206	94	145
	Total	174	269	299	244	726	618	475	604
2. Total No. of witnesses Examined.	Mangalore	411	376	706	506	443	311	105	286
	Coondapur	218	194	232	215	525	572	406	501
	Puttur	299	386	589	425	207	856	366	476
	Total	928	956	1529	1146	1175	1739	877	1257
3. No of miscellaneous cases tried under the Cr.P.C. and other enactments including cases under Sec 107, to 110, 144, 488 Cr. P.C.	Mangalore	76	67	71	71	63	73	106	79
	Coondapur	29	61	45	44	57	54	37	49
	Puttur	25	39	29	31	10	16	15	14
	Total	130	167	145	146	125	153	158	137
4. Total No. of witnesses examined or summoned under item 3	Mangalore	181	136	369	229	243	195	197	175
	Coondapur	84	92	72	73	64	72	66	74
	Puttur	135	154	124	134	79	201	196	159
	Total	360	381	558	438	386	468	459	408
5. No of criminal appeals disposed of summarily.	Mangalore	-	-	-	-	-	-	-	-
	Coondapur	-	-	-	-	-	-	-	-
	Puttur.	3	-	-	1	-	2	-	-
	Total	3	-	-	1	-	2	-	-
6. No of criminal appeals heard in Court.	Mangalore	46	30	34	36	19	43	63	42
	Coondapur	23	30	14	24	19	43	24	62
	Puttur.	28	19	28	25	27	73	8	50
	Total	97	79	76	83	123	187	100	152
7 and 8. No of suits tried under the Madras Estates Land Act etc.	Mangalore) Coondapur) Puttur)	nil				nil			
9. Total no of references registered Not merely received in the office.	Mangalore	Information not available.				5936	4644	6827	5476
	Coondapur	8798	8647	8542	8662	8610	8730	8732	8600
	Puttur.	9187	8417	~~8892~~ 9073	~~8662~~ 8892	8662	~~11822~~ 11922	11627	10497
	Total	~~14985~~	15064	16415	15154	25208	24595	26186	24663

P.T.O.

Note:-Has there been any and if so what increase in the clerical staff of the rev.Divl.office ~~on~~ 1938 to 1946.

In the R.Dso.Coondapur
One L.D. C.from 1942.
One L.D.C. from 1945.

Outdoor work.

10. Compared to the 1st triennium has there been any and if so, what increase in the No.of days spent on camp.

		1938	1939	1940	1941	1942	1943	1944	1945
Mangalore	Information not available					146	142	130	139
Coondapur	152	149	160	154		229	192	200	207
Puttur	Information not available.					279	200	226	235.
Total	152	149	160	154		654	534	556	581

11. Is there any and if so what increase in the No. of days spent on outdoor inspection.

Mangalore: Information not available 37 31 38 39
Coondapur: There is increase in the No. of days spent on outdoor work The average increase may be put down as 50 days.
Puttur: Information not available 29 78 57 55

12. The No. of days, if any, on which the R.D.Os have actually visited villages in procure grain during 1946 and in the 1st half of 1947.

Mangalore: 30 and 28 days.
Coondapur: 50 and 30 days.
Puttur: 30 in 1946 and 1947

South Kanara Collector's Office,)
Mangalore dated 18 -11- 1947.)

~~For Collector.~~

Sd/-

True copy

Sd/- M. [illegible]
for Collector
R.D.O.

Statistics of Criminal cases, and total number of references disposed of in the Deputy Tahsildars' offices in South Kanara district during the years 1938-1940 and 1944-46.

Particulars.	Name of Deputy Tahsildar's Office.	1938	1939	1940	Average for 3 years.	1944	1945	1946	Average for 3 years.
1. No. of original cases tried under the I.P.C. (Excluding summonses cases in which the accused pleaded guilty.	Buntwal	31	36	69	45	88	42	59	63
	Belthangadi	Registers not available.		36	36	47	15	55	39
	Hosdurg	98	90	96	95	104	95	90	96
	Total	129	126	201	176	239	152	204	198
2. No. of witnesses examined.	Buntwal	137	146	253	175	155	176	303	211
	Belthangadi	Registers not available		374	374	155	55	274	161
	Hosdurg	120	101	115	112	140	102	98	113
	Total	257	247	742	661	450	333	675	485
3. No. of cases tried under the Town N.Act & other special Acts.	Buntwal	113	101	207	140	170	149	260	193
	Belthangadi	Regrs.not avail-able		130	130	112	130	117	116
	Hosdurg	548	433	413	465	512	485	360	452
	Total	661	534	750	735	794	764	737	761
4. No. of punishment rolls against the village officers in respect of which the Deputy Tahsildar has had actually to examine witnesses.	Buntwal	-	-	-	-	-	-	-	-
	Belthangadi	3	1	4	5	-	12	1	4
	Hosdurg	-	-	-	-	-	-	-	-
	Total	3	1	4	3	-	12	1	4
5. Total number of references received and registered.	Buntwal	3287	3352	3747	3462	3650	4584	4579	4271
	Belthangadi	2893	2808	2849	2850	3399	6103	6099	5200
	Hosdurg	Not available.				6000	6224	15417	9214
		6180	6160	6596	6312	13089	16911	26095	18685

True copy

S. Kanara Collector's Office,
Dated: 18-11-1947.

[redacted]. R.D.V.

Post copy of Telephonic Message dated 7th January 1948 from the Assistant Secretary to Government, Public (Separation) Department, to the Assistant Registrar, High Court, Madras.

*****

Sub:- Separation of the Judiciary from the Executive.

Please furnish urgently a statement showing disposals district war for the entire Presidency of First and Second Class Cases by the Stipendiary magistrates, viz., District Magistrates, Additional District Magistrates, Sub-Divisional Magistrates, Addl. First Class Magistrates and Stationary Sub-Magistrates. This may be treated as specially urgent.

S. Balakrishna Iyer,
Assistant Secretary to Government.

Fost copy of Telephonic Message No.26/48-2, dated 9th January 1948 from the Assistant Secretary to Government, Public (Separation) Department, to the Registrar, High Court, Madras.

***

Sub:- Separation of the Judiciary from the Executive-- Constitution and establishment of courts.

Please furnish immediately a list showing the existing number of First Class Magistrates including Additional First Class Magistrates and Second Class Magistrates (Stipendiary) with their respective headquarters, jurisdictions in each of the districts. This may be treated as specially urgent.

S. Balakrishna Iyer,
Assistant Secretary to Government.

Fost copy of Telephonic Message No.26/48-3, dated 16th January 1948 from the Assistant Secretary to Government, Public (Separation) Department, to the Assistant Secretary, Board of Revenue (L.R).

*****

Sub:- Separation of the Judiciary from the Executive-- Retrenchment in the Revenue Department.

Please furnish information urgently as regards the headquarters in each district of the following officers together with the sanctioned strength of their establishment.

1. Cheristadar Magistrates.
2. Deputy Tahsildars.
3. Additional First Class Magistrates.

S. Balakrishna Iyer,
Assistant Secretary to Governemtn.

[illegible] U.O.No.

GOVERNMENT OF MADRAS.

Public (Separation) Department.

Memorandum No.74/43-1, dated 23rd January 1943.

Sub:- Separation of the Judiciary from the Executive--Constitution and establishment of Courts--Retrenchment in the Revenue Department--Proposals.

Consequent on the separation of the Judicial functions, the need for ministerial staff in the Collector's office to attend to the magisterial work will disappear. All Collectors are requested to submit a report through the Board of Revenue as to the measure of retrenchment in the strength of clerks is possible in their offices after the separation scheme comes into force. Actual facts and figures should be given in the statement of the establishment is called for.

A copy of the report called for may be sent direct to Government not later than 1...43.

A. Balakrishna Iyer,
Assistant Secretary to Government.

To

All Collectors.
Copy to the Board of Revenue, Salem.

GOVERNMENT OF MADRAS.

***

D.O.No.44/47-16.

Public (Separation) Department
Fort St. George,
4th February 1948.

Dear Mr.....

Sub:- eparation of the Judiciary from the Executive-- Constitution and establishment of courts under the sbheme.

***

The Government require urgent information as to where the Addl. First Class Magistrates in your district are working and what accommodation is available in the buildings allotted to them. I request you to furnish the information by return of post.

Yours sincerely,

(Sd.) T. Balakrishna Iyer,

To

(All Collectors except Madras)

SPECIAL.

D.O.No.178/48-1.

Public (Separation) Department
Fort St. George,
9th February 1948.

Dear Mr.....

Sub:- Separation of the Judiciary from the Executive--
Constitution and establishment of courts--
Retrenchment in the Revenue Department--
Strength of the establishment of the Revenue
Divisional Officers etc.

Please furnish information on the sanctioned strength of the establishment in each of the offices of

1. Revenue Divisional Officers;
2. Deputy Tahsildars;
3. Additional District Magistrate (F.As.)

in the district, ministerial as well as inferior as on 1.1.48 together with their scales of pay. This information will be readily available in your office and it may, please, be furnished by return of post.

Yours sincerely,
(Sd.) S. Balakrishna Iyer,

To

All Collectors except Madras.

S.K.D.No.469/48.

S.K.Dt.Magistrate's Office,
Mangalore, dated: 26-1-1948.

From:
J.F.Saunders, Esq., MBE.,ICS.,
Dt. Magistrate of S.Kanara,
Mangalore.

To
The Asst. Registrar,
Appellate Side, High Court of
Judicature, MADRAS.

****

Sir,

SEPARATION OF JUDICIARY FROM EXECUTIVE: Disposal of I and II Class - South Kanara district - Information - furnished.

A statement showing the number of cases disposed of by I and II class Magistrates in the District of South Kanara is enclosed

For Dt.Magistrate.

Statement showing the disposal of I and II Class cases in ... District of South Kanara for 1939 to 1946.

Name of the Court.	1939	1940	1941	1942	1943	1944	1945	1946
Sub.Divl.Magistrate, Mangalore.	238	259	225	284	274	393	375	450
Sub Divl.Magistrate, Puttur.	82	89	153	200	196	145	206	84
-do- Coonda-pur	107	110	171	168	189	288	237	148
A.F.C.Magistrate, Mangalore			- Nil -				197	253
Total No.of I Classes	427	458	549	652	659	826	1015	95
Stry.Sub Magistrate, Mangalore.	698	713	607	407	703	809	1331	10
-do- Udipi	244	298	276	196	175	228	264	2
-do- Kasargod	276	260	291	258	256	237	261	
-do- Coondapur	247	344	284	329	509	619	691	
-do- Karkal	204	240	365	345	326	421	479	
-do- Puttur	706	518	506	471	516	618	635	
Dy.Dahr.Belthy.	216	378	328	298	324	318	294	3
-do- Buntwal	290	272	319	246	191	219	266	2
-do- Hosdurg	209	220	233	226	238	245	221	2
Total No.of II Classes.	3090	3243	3209	2776	3238	3714	4404	4

S.K.Dt.Magistrate's Office,
Mangalore, dated: 26-1-48.

For Dt. Magistrate.

M.L.Dis.781/48. (12) South Kanara Dt.Magistrate's Office, Mangalore dated 23-1-1948.

From

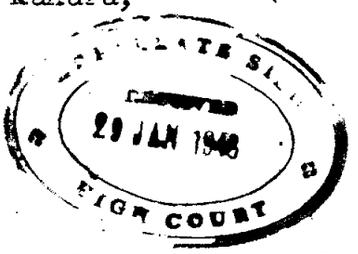
J. F. Saunders Esq., MBE., ICS.,
Dt. Magistrate of South Kanara,
Mangalore.

647/cebe

35

To

The Assistant Registrar,
Appellate side,
Madras.



Sir,

SEPARATION OF THE JUDICIARY FROM THE EXECUTIVE:- Constitution and establishment of courts- report submitted.

Ref. R.O.C4617/47-C3, dated 12-1-1948 of the High Court of Judicature, Madras.

The information called for in the reference cited above is furnished below:-

Name of court.	Jurisdiction	Head quarters.
1.Dt.Magistrate.	Entire District.	Mangalore.
2. Sub Divisional Magistrate, Mangalore.	Mangalore Town only	Mangalore.
3. Sub Divisional Magistrate, Coondapur	Coondapur Revenue division except Udipi Taluk.	Coondapur.
4. Sub Divisional Magistrate, Puttur.	Puttur revenue division except Kasaragod Taluk.	Puttur.
5. Addl. I class Magistrate, South Kanara.	Udipi Taluk Kasaragod Taluk and Mangalore Revenue division except Municipal Town.	Mangalore.
6. Stry. II class Magistrate, Mangalore.	Mangalore Taluk except Buntwal sub taluk.	Mangalore.
7. II class Magistrate, Buntwal.	Buntwal Sub Taluk	Buntwal.
8. Stry.II class Magistrate, Coondapur.	Coondapur Taluk	Coondapur.
9. Stry. II class Magistrate, Udipi	Udipi Taluk	Udipi.
10. Stry. II class Magistrate, Karkal.	Karkal Taluk	Karkal.
11. Stry.II class Magistrate, Puttur.	Puttur Taluk division.	Puttur.
12. II class Magistrate, Beltangady.	Beltangady sub taluk division.	Beltangady.
13. Stry.II class Magistrate, Kasaragod	Kasaragod taluk division.	Kasaragod.
14. II class Magistrate, Hosdrug.	Hosdrug sub Taluk	Hosdrug.

D.O.

Office of the District Magistrate, S.K.
Camp: Hosdrug, Dated 11th February 1948.

My dear Balakrishna Ayyar, '57

Separation of the Judiciary from the Executive:
Constitution and establishment of courts under the scheme
Ref: Your D.O. No. 44/47 -16 dated 4- 2- 1948.

There is one Additional First Class Magistrate in this District. His headquarters is Mangalore. His court is held in the upstairs of a private building for which a rent of Rs.30/- is paid every month. It is a small hall which can accommodate a Magistrate, 3 clerks and a few lawyers.

Yours sincerely,

SRK aiyar

To P.V. Balakrishna Ayyar Esq.,
I.C.S.,
Secretary to Government,
Public (Separation) Department,
M a d r a s.

P.S. I am writing to you as your asst. sec.'s signature is illegible. SRK

Confidential.

Public (Sep) 39

D.O. No 218/48-1 d 19.3.48

Dear Mr.....

Subj:- Separation of the Judiciary from the Executive - Constitution and location of courts under the scheme -

---

The Government are examining the question of accommodation for the courts of the new Magistracy. The need for avoiding expenditure on buildings at present is obvious and hence the possibility of utilising all the available space in the existing buildings of all the offices is being explored. It will help considerably in ushering in the scheme quickly if all the space accommodation is made available though at some slight inconvenience to existing offices.

If it is decided to locate one of the new S.D.Ms at your place it is doubtful whether accommodation can be found in the existing buildings under the Revenue dept there. The Magistrate will require one court hall, a chamber and a hall or 2 rooms for the establishment. Please therefore let me know whether you can provide the necessary accommodation for the new office in a portion of the buildings under your control. Information as the actual extent of accommodation available may also be furnished.

Incidentally it will undoubtedly be convenient to the public as well as the members of the Bar if the court of the S.D.M is also located in the same locality as the civil courts.

Any other suggestion in this behalf may also be made. A very early reply is requested

Yours sincerely,

T.S.

19.3

To

Mr. T.V.B.C. Colaco.

Dt Munsif

Puttur.

STRICTLY CONFIDENTIAL.
VERY URGENT.

GOVERNMENT OF MADRAS
PUBLIC (SEPARATION) DEPARTMENT.
Memorandum No. 218/47-2 dated the 23rd March 1948.

Sub: Separation of the Judiciary from the Executive - Constitution and establishment of courts under the scheme.

It is proposed to have 1/District Magistrate, 2 Sub-Divisional Magistrates, 1 Additional First Class Magistrate and 6 Second Class Magistrates for the District of South Kanara common for Malabar & S.Kanara when the scheme of separation of judiciary from the executive is put into operation. It is also proposed to locate these magistrates at the places and to give them jurisdiction over the areas specified in the annexure.

The Collector of South Kanara is requested to offer his views on the feasibility of the above proposals. Other alternative suggestions as to location and jurisdiction may also be made with full details as to the accommodation available etc. A reply should be sent at a very early date and in any case not later than 4th April 1948. If no reply is received by that date it will be presumed that the proposals require no modification.

S. BALAKRISHNA IYER,
Assistant Secretary to Government.

To the Collector of South Kanara

~~Forwarded/BY ORDER.~~

Superintendent.

p.t.o.

ANNEXURE.

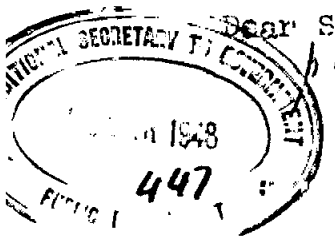
	Headquarters.	Jurisdiction.
District Magistrate ..	Cannanore	Original jurisdiction over Chirakkal, Kotayam, Wyanad in Malabar District and superintendence over S.Kanara,
Sub-Divisional Magistrate		
1.	Coondapur	Coondapur, Udipi, Karkal Taluks.
2.	Puttur	Puttur and Kasargod Taluks.
Additional First Class Magistrate	Mangalore	~~Mangalore Taluk~~
Second Class Magistrates	Same as existing S.S.Ms.	Same as existing S.S.Ms.

23.1.48.

CONFIDENTIAL.

D.O.

District Munsif's Court,
Puttur, 25-3-1948.



Dear Sir,

Ref: Confidential D.O. No.218/47-1 dated 19-3-1948.

Sub: Separation of the Judiciary from the executive - Constitution and location of the Courts under the scheme.

I am prepared to suffer inconvenience if thereby I can render any help to the Government in ushering in all the schemes for the alvantage of the Province.

2. I can put the Bar Room and my Head Clerk's room at the disposal of the Government (subject to the approval of the High Court) for the time being. Informally I have sounded all the members of the Bar and they are prepared to make some sacrifice and move to another room, if thereby they can help their Government. Some minor alterations, such as, putting up a window or opening a passage, may be required as regards the room which will be placed at the disposal of the Bar Association.

3. The Bar Room and the Head Clerk's Room, ~~are~~ which I intend to place at the disposal of the Government, are about 21' X 20' and 19' X 18', with verandahs about 3 feet broad on three sides. The Bar Room can be used as the court-hall for the new S.D.M. The Bar members may be told by the Government that they appreciate their sacrifice and that when the Government is in a position to have a separate building for the S.D.M., the Bar Room will be again placed at their disposal.

Yours sincerely,

P. Kelaly

To

The Asstt. Secretary to Government,
Public (Separation) Department,
Fort St. George, Madras.

Strictly confidential:
Very Urgent.

Collector's Office, S.Kanara,
Mangalore, Dated 1- 4- 1948.

From

S.R.Kaiwar Esq., M.A., I.C.S.,
Collector of South Kanara, Mangalore.

To

The Secretary to Government,
Public (Separation) Department,
Fort St. George, Madras.

(In duplicate)

Sir,

Separation of the Judiciary from the Executive - Constitution and establishment of courts under the scheme - proposals - modifications suggested.

Reference: Government Memorandum No.218/47-2 (Confidential) Public (Separation) Department dated 23- 3- 1948.

I have carefully gone through the proposals submitted in this office report D.Dis.12951/47 dated 18- 11- 1947 in reply to reference No.W.8335/57-5 dated 24- 9- 1947 of the Board of Revenue, Madras as also the proposals contained in the Government memo cited above. But I must say I consider both of them are not quite adequate to meet the needs of the situation.

2. At present these are the following First and Second Class subordinate Magistrate's Courts other than Bench Courts functioning in this District.

	Name of Court.	Headquarters.	Jurisdiction.
First Class:	S.D.M's Court, Mangalore.	Mangalore	Mangalore Town and Thaluk.
	2. S.D.M's Court, Coondapoor.	Coondapoor.	Coondapoor & Karkal Taluks.
	3. S.D.M's Court, Puttur	Puttur	Puttur Taluk.
	4. Additional Ist Class Magistrate's Court Mangalore.	Mangalore.	Mangalore Taluk (Rural) Kasergod Taluk & Udipi Taluk.
	5. Spl. Ist Class Magistrate's Court, Mangalore.	Mangalore	Mangalore Taluk.
	6. do -Kasergod	Kasergod	Kasergod Taluk
	7. do -Udipi	Udipi	Coondapoor Taluk Udipi Taluk & Karkal Taluk.
Second Class:			
	1. S.S.M. Mangalore	Mangalore	Mangalore Taluk except Bantwal Sub-Taluk.
	2. Dy.Tahsildar Magistrate's Ct.Bantwal.	Bantwal	Bantwal Sub-Taluk
	3. do Hosdrug.	Hosdrug	Hosdrug Sub Taluk
	4. S.S.M.Kasergode.	Kasergode	Kasergode Taluk except Hosdrug Sub Taluk.

5. S.S.M.Puttur.	Puttur.	Puttur Taluk except Belthangady Sub Taluk.
6. Dy. Tahsildar Magistrate Court Belthangady.	Belthangady.	Belthangady Sub T[illegible]
7. S.S.M. Kar	Karkal [illegible]	Karkal Taluk.
8. S.S.M. Udipi.	Udipi	Udipi Taluk.
9. S.S.M. Coondapoor.	Coondapoor	Coondapoor Taluk.

3. In this office report cited above the constitution the two Sub Divisional Ist Class Magistrates and one District Magistrate was proposed as shown below:

Magistrate.	Headquarters.	Jurisidction.
First Class:		
1. District Magistrate.	Mangalore.	Original jurisdiction over Mangalore Municipal area and in addition to general supervision, revision, transfer and appellate powers.
2. S.D.M. Udipi.	Udipi.	Coondapoor, Udipi and Karkal Taluks and Mangalore Taluk(rural)
3. S.D.M. Puttur.	Puttur.	Puttur and Kasergod Taluks.

Second Class:

Five IInd Class Magistrates at one each for the five Taluks of Kasergod except Manjeshwar Firka, Puttur, Karkal Udipi and Coondapoor with Headquarters at the respective Taluk Headquarters, and Two Second Class Magistrates for Mangalore Taluk one for Mangalore Town and the other for Mangalore Taluk rural area and Manjeshwar Firka of Kasergod Taluk with Headquarters for both at Mangalore. This meagre complement of Courts was proposed presumably in the hope that much of the work arising out of the war time conditions and the post-war transitional conditions would disappear and that conditions would return to normal by the time the scheme for the separation of Judiciary from the Executive would come into operation. But conditions have been far otherwise and I see no chance of conditions returning to normal in the near future and much less before the scheme is brought into force as now proposed.

4. As against these proposals the Government have now proposed the constitution of only two Sub-Divisional Magistrates one at Coondapoor and the other at Puttur with an Additional Ist Class Magistrate at Mangalore to assist the Sub Divisional Magistrate Puttur and six II Class Magistrates at one for each of the six Taluks in this District. The District Magistrate who is to be a common District Magistrate for the two districts of Malabar and South Kanara is not given any original jurisdiction in this District.

5. I should also like to observe that the suggestions made in this office D.Dis. 12951/47 dated 18- 11- 1947 as also the proposals contained in the Government Memorandum dated 23- 3- 1948 cited above and communicated for my remarks are unworkable. As regards the suggestions in this office report dated 18- 11- 1947 I am generally in agreement with it except that an Additional Ist

Class Magistrate ought to have been recommended as I find that the jurisdiction of the Sub Divisional Magistrates then proposed is too extensive and unwieldy.

6. With regard to the proposals of the Government the following practical difficulties require special mention. The Joint District Magistrate proposed to function for both this District and Malabar cannot be saddled with original jurisdiction in ddition to his appellate, revisional and supervisory functions. The District Magistrate is expected to effectively scrutinize the calenders of all subordinate Magistrates. This is an important function of the District Magistrate as it is only by a careful scrutiny of the calendar of the subordinate Magistrates that the general tone and efficiency of the judicial work of the Magistrates can be maintained and improved. This item of work alone would take at least one and a half working days in a week, so far as South Kanara is concerned if it is to be done with care that is due to it. I am not quite conversant with the conditions in Malabar, but I can say that in view of the large size of that District, the work may be much more there. For the efficient working of the newly constituted subordinates Magistracy it would also be necessary for the District Magistratee to have a mandate to go round his jurisdiction at least once a year on inspection tours to all the subordinate Magistrate Courts and give instructions to the new Magistrates. Unlike the Civil Courts, this inspection tour will have to be undertaken intensively until conditions settle down to normal. With all these functions it would be necessary to reduce the jurisdiction of the District Magistrate if original work has to be attended to by him. With his jurisdiction extending over two districts the District Magistrate will have to deal with two sets of people and two Court languages besides the jurisdiction being very extensive for the purpose of tour and accessibility to the litigant public. I therefore suggest that the District Magistrate should not be saddled with original work if he is to have jurisdiction over two Districts.

7. As regards I Clss Magistrates for this District, the proposals contained in the Government Memorandum are somewhat on the stingy side. The jurisdictions proposed are too extensive which become unweildy on account of the peculiar physical features of this District and the difficult means of communication. The increase of work caused by the war and its aftermath is still there and there are no visible signs of conditions returning to normal in the near future. Mangalore Taluk which has at present a Sub Divisional Magistrate, an Additional Ist Class Magistrate and a Honorary Special Ist Class Magistrate will be sufficient for one whole time Ist Class Magistrate. Puttur, Kasergod and Mangalore Taluks have been proposed for the Sub Divisional Magistrate, Puttur assisted by an Additional Ist Class Magistrate. All these three Taluks particularly Kasergod and Mangalore are highly litigious and it would be too heavy for one Sub Divisional Magistrate to manage the work of all the three Taluks which comprise more than half the District. Just now the work in Kasergod and Mangalore Taluk is extremely heavy and it would require one more additional Ist Class Magistrate at least for a period of one year to bring the work in this jurisdiction to normal. The distribution of Taluks also is not evenly made.

8. I therefore submt the following alternate proposals with regard to Ist Class Magistrates.

Courts.	Headquarters.	Jurisdiction.
S.D.M. Udipi.	Udipi.	Coondapoor & Udipi Taluks.
S.D.M. Puttur	Puttur	Puttur, Kasergode & Karkal Taluks.
Addnl. Ist Class Magistrate, Mangalor	Mangalore.	Mangalore Taluk.
Second Addnl. Ist Class Magistrate Mangalore	Mangalore.	Mangalore & Kasergod

(For one year to give relief to S.D.M. Puttur and Additional Ist Class Magistrate, Mangalore.

9. These will not cover the special Ist Class Magistra for the trial of Bogus Lotteries now working in Mangalore. This court is an entity by itself and may be allowed to continue as such with its present Ist Class Magistrate unti the work of that special Court ceases.

10. Similarly in the case of the II Class Magistrates the constitution of one court for each Taluk may not be quit expedient at present. Taluks differ in their incidence of criminal litigation. While it is necessary that the minimum number of IInd Class Magistrates is one for every Taluk, certain Taluks may have to be given an additional Court to cope with the work. Mangalore Taluk comprising Mangalore Town and Rural area is too heavy a charge for a single II Class Magistrate. At present Mangalore Taluk has one S.S.M. in charge of the Mangalor main Taluk, a Deputy Tahsildar IInd Class Magistrate in charge of Bantwal Sub Taluk and a Ist Class Bench Court at Mangalore. The work of all these three courts put together will be too much for the IInd Class Magistrate of Mangalore who is already overworked. The introduction of Prohibition in this District with effect from 1- 10- 1947 has been responsible for a considerable additional volume of work to the second class Magistrates. To cope with the work efficiently one more IInd Class Magistrate would be indispenab at Mangalore. I therefore propose that an additional IInd Class Magistrate may be sanctioned for Mangalore Taluk at least for a period of one year for the time being, with Headquarters at Mangalo and jurisdiction coterminus with the principal II Class Magistrate. This Additional IInd Class Magistrate will not have original jurisdiction but will try cases transferred to his file from the principal IInd Class Magistrate's Court. With this addition, the rest of the proposals regarding IInd Class Magistrates as contained in the annexure to the Government Memorandum cited may be allowed to stand.

11. As regards accomodation it is not possible to give any detailed proposals unless I am given sufficient time. But based on my general knowledge of the District I may say that suitable Government buildings are not available for the Sub Divisional Magistrate's Courts of Coondapoor and Puttur for whom rented private buildings will have to be taken up each on rent between Rs.50/- and 100 per mensem. But the two Additional Ist Class Magistrates Courts proposed for Mangalore could be accomodated in the building of the Bench Court Mangalore and a portion of my office building now occupied by the Textile Section which is practically wound up. As regards the additional IInd Class Magistrate Court proposedfor Mangalore, accomodation could be provided for him in the building in the Taluk Officer premises now occupied by the Additional Public Prosecutor I Mangalore. The remaining II Class Magistrates have the buildings now occupied by the existing S.S.Ms

Collector & DT Magte.

1

Strictly confidential:
Very Urgent.

Collector's Office, S.Kanara,
Mangalore, Dated 1- 4- 1948.

From

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Collector of South Kanara, Mangalore.

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(For one-year to give relief to S.D.M. Puttur and Additional Ist Class Magistrate. Mangalore.)

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S R Kaikini

Collector & D.I. of Police

S O U T H K A N A R A

RELATIVE CONTRIBUTION OF FIRST AND SECOND CLASS CASES IN RESPECT OF EACH OF THE TALUKS IN THE SOUTH KANARA DISTRICT.

Taluks	Area in Sq. miles	Population	Cases	
			First Class	Second Class
Amin Divi Islands	3	6,177	3	16
Coondapur	619	159,240	77	422
Karkal	629	153,479	73	383
Kasargod ..	767	342,301	157	389
Mangalore ..	406	391,271	189	1,032
Puttur ..	1,246	220,701	107	411
Udipi ..	357	250,347	122	666
	4,026	1,523,516	738	4,008
			(5)	(26.5)

17/5/62

Vol 2 file

Constitution and location of Judicial Magistrates' Courts.

District: SOUTH KANARA.

1. Area: 4,026 sq. miles

2. Population: 15,23,516

3. Taluks: 6 (Six); Sub-taluks .. 3 (Three).

4. Special features, if any:

There is only one big town in this district and that is Mangalore with a population of 81,000. The next is Udipi with 13,000. There are no special features in this district that call for remark.

5. Average No. of I Class Cases: (Arrived at by taking due account of the disposals in the pre-war, war and post-war years between 1938 and 1946.)	738
6. Average No. of witnesses in the I Class Cases: (Arrived at as above.)	2.069
7. Average No. of II Class Cases (Arrived at as above.)	4,008
8. Average No. of witnesses in II Class Cases: (Arrived at as above.)	5,139

9. Existing strength of the Magistracy:

A. Full time.	No.	B. Part-time.	No.
Addl. I Class Magistrates ..	1	District Magistrates ...	1
Stationary Sub-Magistrates..	6	Addl. Dt. Magistrates...	1
		Rev. Divl. Officers ...	3
		Deputy Tahsildars ...	3
		~~Deputy Tahsildars~~ ...	
		Others	--

10. Strength of the new Magistracy recommended by the local Officers:

	No.		No.
District Magistrate.	1	Addl. I Class Magistrates.	
Sub-Divl. Magistrates	2	Stationary Sub-Magistrates.	

11. Strength of the new Magistracy and the location of their courts recommended by the Secretary:

	Strength	Location.
District Magistrates ...		
Sub-Divl. Magistrates ...		
Addl. I Class Magistrates ...		
Second Class Magistrates ...		

(ii) Remarks (including information on the need for Addl. Buildings:

12. Final orders of the Cabinet Sub-Committee on the strength and location of the new Courts:

Reduction in the Revenue Establishment consequent on the Separation of Functions.

SOUTH KANARA DISTRICT.

The Revenue Officials doing part-time magisterial work in this District are:

1 Collector

1 Personal Assistant

3 Revenue Divisional Officers

and 3 Deputy Tahsildars.

The Collector agrees to give up one Revenue Divisional Officer (Coondapur) if the scheme of separation is put into operation. He has also proposed a redistribution of jurisdiction among the Revenue Divisional Officers. This is reasonable and may be accepted.

With regard to Deputy Tahsildars the Collector concludes that one out of the 3 Deputy Tahsildars (Beltangudy) may be retrenched. He would add this to Puttur taluk but states that in that case the Tahsildar Puttur should be given some special concessions like increased Fixed Travelling Allowance etc. In this connection it may be noted that the Collector states that Buntwal Sub Taluk will also become light and his spare time will be utilised to relieve the Head Quarters Tahsildar. It is suggested that Beltangudy may be tacked on to Buntwal which is almost equidistant with Puttur. This means that the taluk boundry of Mangalore should be extended. If this is not considered worthwhile or expedient, the Collector's suggestion may be accepted in toto.

In the result, the reduction will be by one Revenue Divisional Officer and 1 Deputy Tahsildar.

for
A.S.
8.1.48

The decision in this file with respect to the reduction in the revenue department consequent or

the separation of functions is as follows.

The following revenue division and Deputy Tahsildars charges are to be abolished:

Revenue Division	Coondapur.
Deputy Tahsildar's charge	Beltangudi.

The jurisdiction of the new divisions will b as follows:

Division	Headquarters	Jurisdiction.
Mangalore	Mangalore	Coondapur Udipi Karkal Mangalore minus Buntwal.
Puttur	Puttur	Puttur Kasargod Buntwal.

The Board of Revenue has agreed to the reduction in an redistribution of the revenue divisions as indicated above. The Cabinet Committee has approved the above arrangement at its meeting on the 12th March 1948.

15.5.48

Strength of the new Magistracy.

SOUTH KANARA DISTRICT.

I Class Magistrates;

The average number of cases for I Class Magistrates was ~~870~~ 738; at the rate of 312 cases per Magistrate we require 2½ Magistrates. The average number of witnesses examined was 2069; at the rate of 969 per Magistrate, we require 2¼ Magistrate. The District Magistrate requires 1 District Magistrate and 2 Sub-Divisional Magistrates. We may fix the strength as 2 Sub Divisional Magistrates and 1 Additional First Class Magistrate--there being only one District Magistrate for this District and Malabar. These may be located at Coondapur, Belthangudy and Mangalore respectively where buildings vacated by the ~~abolished~~ rebranched officers exist.

II Class Magistrates:

There were 4008 II Class cases and 5426 witnesses. On the basis of these figures, at the average rate of 663 and 946 only 6 Magistrates will be required--working out at one per taluk. The local officers require one more Magistrate at the Head quarters in view of the existing pressure on work. This may be a temporary additional Sub-Magistrate.

Thus the strength for this District will be 2 Sub-Divisional Magistrates, 1 Additional First Class Magistrate, 6 Sub-Magistrates and 1 temporary Additional Sub-Magistrate.

The decision in this file As regards the strength of the magistracy under the Scheme of Separation

is as follows:—

1. The District Magistrate for the District and Malabar.
2. Two Sub-Divisional Magistrates
3. One Additional First class Magistrate.
4. Six Second class Magistrates.

The High Court considers the number and class of Magistrates given above as adequate

M.
11.2.48.

11.2.48

At their meeting on 12.3.1948 the Cabinet Committee accordingly approved in the strength of the magistracy required under the scheme. The approved number and class of magistrates are as follows:—

1. Common District Magistrate for South Kanara and Malabar.
2. Two Sub-Divisional Magistrates
3. One Additional First class magistrate
4. Six Second class magistrates.

12.4.48.

12/4

PUBLIC (SEPARATION) DEPARTMENT.

LOCATION OF NEW MAGISTRATES' COURTS.

MALABAR DISTRICT: This district will have a common District Magistrate with South Kanara district and 2 Sub-Divisional Magistrates, 1 Additional First Class Magistrate and 11 Second Class Magistrates in the new set up.

District Magistrate:

The common District Magistrate for this district and South Kanara can be located at Kannanore in North Malabar. This is also the recommendation of the two District Judges and of the High Court. He may be given original jurisdiction over the 3 taluks in Malabar as noted below.

I cl. magistrate

The most convenient way of dividing this district between the 4 First Class Magistrates would be as follows:

1)District Magistrate	Cannanore	Chirakkal, Kottayam Wyanad.
2)Additional First Class Magistrate	Calicut	Calicut, Kurumbaranad.
3)Sub-Divisional Magistrate	Manjeri or Perintalmanna	Walluvanad and Ernad.
4)Sub-Divisional Magistrate	Palghat	Palghat and Ponnani.

For the District Magistrate it is reported by the P.W.D. that suitable buildings are available at Cannanore. For the Additional First Class Magistrate at Calicut, the buildings to be vacated by the outgoing Revenue Divisional Officer will suffice. For the Sub-Divisional Magistrate, Palghat the buildings now in the occupation of the Additional First Class Magistrate would suffice as per the Collector's letter The question remains to be solved only for the other Sub-Divisional Magistrate. He may be located either at Manjeri or Perintalmanna at whichever place ..

suitable ~~xxxxx~~ accommodation is available. There are District Munsifs Courts at these two places and information as to the accommodation may be ascertained from the two District Munsifs.

Second Class Magistrates:

Leaving out of account British Cochin there are at present 7 Stationary Sub-Magistrates and hence provision has to be made for 4 more Sub-Magistrates. On a consideration of all the aspects of the case and the statistics of magisterial work arising in each taluk, it is found that the following allocation and jurisdiction would be the most suitable:

1. Cannanore	Chirakkal Taluk
2. Badagara	Kurumbranad Taluk
3. Kuttuparamba	Kottayam Taluk
4. Vyathiri	Wynad Taluk
5. Calicut	Calicut
6. Manjeri	Ernad (excluding Nilambur)
7. Perintalamanna	Walluvanad (excluding ~~Tirurangadi~~ Ottapalam s
8. Pannani	Ponnani Taluk (excludin ~~Alathur~~ Sub-Taluk)
9. Palghat I	Palghat Taluk excluding Alathur Sub-Taluk
10. Palghat II	Alathur Sub-Taluk and Ottapalam Sub-Taluk
11. Tirurangadi	Tirurangadi Sub-Taluk and Tirur Sub-Taluk.

Regarding accommodation for these S.C.Ms. the question arises only in respect of Nos. 4, 4, 10 and 11. For Nos. 2. 4 and 11. the buildings occupied by the Deputy Tahsildars at those places who would cease to exist after the separation may be utilised. For No.10, the availability of spare accommodation in the Civil Courts at Palghat may be explored by writing to the Sub-Judge.

SOUTH KANARA DISTRICT: The District Magistrate for this district having been located and given jurisdiction in Malabar District, the question of location ~~of~~ and allotment of jurisdiction for this district arises only in respect of 2 S.D.Ms., 1 A.F.C.M and 6 Second Class Magistrates.

First Class Magistrates:

One of the 2 S.D.Ms. may be located at Coondapur and he may exercise jurisdiction over Coondapur, Udipi and Karkal Taluks. He may be accommodated in the buildings to be vacated by the out-going R.D.O. at Coondapur. The Additional First Class Magistrate may be at Mangalore using the accommodation now being used by the Additional First Class Magistrate there, and having jurisdiction over Mangalore taluk. The third First Class Magistrate for the district will have to be at Puttur having jurisdiction over Puttur and Kasargod taluks. A way of finding accommodation for this last S.D.M. would be to send ~~x~~ the Second Class Magistrate at Puttur to Betlangudi where the Deputy Tahsildar is being retrenched and giving the S.S.Ms, the buildings ~~of~~ to the S.D.M. If this is found inconvenient, accommodation may have to be found either for the S.D.M. or for the S.C.M. in the spare rooms if any in the District Munsifs Court, Puttur. Information on this last may be ascertained.

Second Class Magistrates.

The question of accommodation and jurisdiction for Second Class Magistrates presents no difficulty because the existing six S.S.Ms. are being replaced by six Second Class Magistrates.

The Collector may be asked to report on these

18/3/48

The proposals with regard to the locations and jurisdiction of the Magistrates for this district may be sent to Collector for remarks. Draft memo. submitted is for approval.

fob
23/3/48

MJ
23/3/48.

Issued as memo No. 218/47-2 d 23.3.48] pp 47-49 CF

[From the Dt. Mf. Puttur no. Nil d 25.3.48] pp 51 CF.

The reply from the Dt Munif Puttur at pp 51 CF. this dept D.O. at pp 45-46 CF. is submitted for perusal. As the Dt Mf has agreed to provide accommodation for an S.D.M, the original proposals may stand.

The Collector's remarks may be awaited.

B
2.4.48

fob
2.4.48

MJ
2.4.48

[From the Collector S. Kanara no. nil d 1.4.48]

The reply from the Collector S. Kanara to this dept Memo. regarding location of courts, at pp, 53-58 CF. is submitted for perusal

B
6 mst.

The Collector considers the proposals made from this end are not adequate to meet the needs of the district and puts forward his counter-proposals. He considers that the original jurisdiction proposed for the common district magistrate will be too heavy and may impair his efficiency with respect to the superintendence and control over the subordinate magistrates

in the two districts. Proposals are separately made in regard to this aspect in Malabar file and may abide the decision in that file. ~~The proposals~~ In respect of the Sub Divil. Magistrates and Second Class Magistrates, the Collector's proposal would involve heavy financial commitment and as the proposals from this nd have been made after taking into account all relevant factors, these may stand.

6/2/48.

I class magistrates.

The modifications proposed by the Collector are ~~two~~ three:

(i) To have one more A.F.C.M. for Mangalore Taluk;

(ii) To take off kasaragod Taluk from Coondapore Dn. & to give it to Puttur;

(iii) To fix the hd. qrs at Udipi instead of at Coondapore.

Re. (i) On the basis of statistics, there is no case for another A.F.C.M. Only about 2000 witnesses come up for examination and for this the existing provision should prove adequate. Even accg. to the Collr. [X ni para 7] p.55 one F.C.M. for Manglore & one for Puttur & kasaragod should suffice. Hence there is no need to change the proposals (which were in fact also based on the previous collrs recommdn. J p.15

Re. ii This is contingent on no.(i) above. Further, even now, the Coondapore Dn. consists of the 3 Talukas and hence there is no case for lightening this

Re. iii Coondapore was chosen because we have the buildings of the retrenched R.D.O. for our use. At udipi, we do not have buildings.

II class magistrates

The collector wants one more II cl. magistrate, at least temporarily for one year, at Mangalore, for he apprehends heavy work in the near future. The difficulty may perhaps be met in another way. Karkal

Taluk is right since a portion of Mangalore Taluk may be attached to the jurisdiction of S.C.M. Karkal The most convenient thing to do is to take Bantwal Sub Taluk to Karkal

With this modification, the proposals already framed may be stand.

Bantwal for Taluk is to be Karkal Pillai

FBS
6.4.48

Mr. Bhargava I shall see to Karkal Taluk

and Coorg

At their meeting on 3.8.1948, the Cabinet Committee tentatively approved the proposals with respect to location, jurisdiction and accommodation in the various classes of magistrates for the district. These are shown in the tabular statement annexed.

12.11.

SOUTH KANARA DISTRICT

Magistrate	Headquarters	Jurisdiction (taluks)	Buildings
1. Common Dt. Magistrate for this and Malabar dts.	Cannanore (North Malabar)	Original jurisdiction in a portion of Malabar district and superintendence over south Kanara and Malabar	Vide Malabar file
2. Sub Divisional Magistrate.	Coondapur	Coondapur Udipi Karkal	Outgoing Revenue Divisional Officer's buildings.
3. Do	Puttur	Puttur Kasargod	Portion of the District Munsif's Court.
4. Additional First Class Magistrate.	Mangalore	Mangalore	Private buildings which are now being occupied by the Additional first Class Magistrate on a rent of Rs.30 p.m.

Second Class Magistrates.

1. Second Class Magistrate.	Mangalore	Mangalore (except Buntwal sub taluk)	Existing Stationary Sub Magistrate's buildings.
2. Do	Kasargod	Kasargod	Do
3. Do	Puttur	Puttur and Buntwal sub taluk	Do
4. Do	Udipi	Udipi	Do
5. Do	Karkal	Karkal	Do
6. Do	Coondapur	Coondapur	Do

12.11.48

12/11/48

Public (Separation) Department

Draft Public Notification for Santa Kanur in KOLCT

At its meeting on 29-10-47, the Cabinet Committee tentatively approved the scales of pay for the hierarchy of magistrates under the scheme of separation. The Cabinet Committee also approved the scale of establishment recommended in the report of the Separation Committee for all classes of magistrates.

Statement I below gives the scales of pay approved for the magistrates and their staff together with the average cost therefor. Statement II gives the net cost of the Scheme for the district, taking into account the set off, for consequential reduction of staff in the Revenue Department. In working out the cost, the dearness and house rent allowances have also been taken into account.

The principle adopted in working out the net cost and the actual cost were found on scrutiny by Finance to be correct.

It will be seen from statement No.II that the scheme results in a ~~saving~~ ~~Net cost~~ Addl. Exp. of Rs. 12539/- per annum

12-11-48.

12/11/48

NET COST OF THE SCHEME

District: SOUTH KANARA

	cost p.a. Rs	cost p.a. Rs	D.A. Rs	H.R. Rs
A. Cost of the proposed magistracy				
(1) Half the cost of common D.M. and staff		9907.2	1602	
(2) 2 S.D.Ms. and staff		2156.8	5832	
(3) 1 A.F.C.M. and staff		7266.0	2484	324
(4) Six S.S.Ms. and staff		27921.6	10440	228
		67251.6	20358	552
E D U C T				
B. Cost of existing magistrates doing full time magisterial work				
(1) A.F.C.M. at Mangalore with a staff of 2 L.D.Cs. 1 typist 1 attender and 3 peons.	7266.0		2484	324
(2) 6 S.S.Ms. and their staff	27921.6		10440	228
	35187.6		12924	552
C. Savings effected by retrenchment in the Revenue Deptt.	cost p.m.		cost p.m.	cost p.m.
(a)				
(1) 1 R.D.O. at Coondapur (Jr. Scale) on	663.3		85	
(2) 1 Hd.Clerk on Rs 110 p.m.	110.0		27	
(3) 1 U.D.C. on Rs 80-110 p.m.	101.0		26	
(4) 2 L.D.Cs. on Rs 45-90 ,,	135.0		48	
(5) 1 typist on Rs 45-90 ,,	77.5		24	
(6) 6 peons on Rs 16-25 ,,	124.8		114	
(b) Dy. Tahr. Beltagundi and a staff of 3 L.D.Cs. & 3 peons	445.5		169	
	1657.1 x 12 or		493 x 12 or	
C. Cost per annum	19885.2		5916	
D. Savings on account of retrenchment of staff on the magisterial side of collectorate 1 L.D.C.	810		288	60

The introduction of the scheme in this district will result in an additional expenditure as shown hereunder:--

Net cost is :- (B plus C plus D)

A. Cost on account of the proposed magistracy 67251.6

B plus C plus D

Cost on account of retrenchment in the Revenue establishment of the district. ... 55882.8 (35187.6 plus 19885.2 plus 810)

Additional cost involved ... 11368.8

NET COST OF THE SCHEME

District: SOUTH MARSHA

	cost p.a.	cost p.a.
a. Cost of the Proposed Magistracy		
(1) half the cost of common b... and staff	9907.2	1902
(2)2 s.D.Ms. and staff	22150.8	5832
(3)1 A.F.J.M. and staff	7266.0	2464
(4)8½x s.o.ms. and staff	27921.6	10440
	67251.6	20358

A. U.C.T

b. Cost of existing magis-
trates doing full time
magisterial work

(1) 4 F.J.M.s at Mangalore with
a staff of 2 L.D.Cs.1typist
1attender and 3 peons. 7266.0

(2)6 S.J.Ms. and their staff27921.6

35187.6

10440

12924

c. Savings effected by retrenchment in the Revenue Dept. cost p.m. cost

(1) 1 R.D.C. at Goondapur	1003.3	45
(2) 1 Hd.clerk on Rs 110 p.m.	110.0	22
(3)1 L.D.C. on Rs 80-110 p.m.	101.0	20
(4) 2 J.D.Cs. on Rs 45-90 "	135.0	48
(5) 1 typist on Rs 45-90 "	77.5	24
(6) 6 peons on Rs 16-25 "	124.8	114
Saving/year. petty pundi and a		
staff of 3 J.D.Cs. & 3 peons	445.5	
	1597.1 x 12 o	1693 x 12 or
D: Cost per annum	19885.2	1916
e. Savings on account of retire-
ment of staff on the ma-
terial side of collectorate	810	288 60

he introduction of the scheme in this district will result in an
additional expenditure of Rupees

Net cost is (8 plus C plus D)

A: Cost on account of the proposed magistracy 67251.6

B: Plus 2 plus 1
Cost on account of retrenchment in the Revenue
Department consequent on the introduction of the scheme. ... 35882.8 (35167.6 plus
1988.2 plus
810)

additional cost involved ... 1130.8

			Rs.
Dearness allowance on account of 'A'.	...	...	20358
Dearness allowance on account of 'B' ± 'C' ± 'D'.	...	...	19128
Additional cost on account of Dearness allowance.	...	...	1230
House Rent Allowance on acct. of 'A'.	...	...	552
House Rent Allowance on acct. of 'B' ± 'C' ± 'D'.	...	...	612
Savings	...	...	60
Net Cost of the Scheme (113648 ± 1230 - 60)	...	...	12539

12.11.48

12/11/48

Public (Confidential) Department

South Kanara District

This file contains detailed proposals for implementing the scheme of separation of the Judiciary from the Executive for this district worked out by this department under the following heads:—

1. Strength of the Magistracy
2. Reduction in the Revenue Department
3. Jurisdiction and location of courts
4. Cost of the scheme

The proposals under the above heads have been tentatively approved by the Cabinet Committee. In Executive G.O. No. 125 Sanction file, Home, of the Cabinet Committee have (Civil) dated 1-1-49 recorded that no final decisions have been taken and that the Cabinet Committee may be wound up. No final orders having been passed on the proposals in this file, the papers may be recorded in a miscellaneous G.O. for future reference.

28/12/48

28/12/48.

28/12/48

Subject:—G.O. No. 3292 dated 28/12/48. Separation of the Judiciary from the executive - South Kanara District - Constitution and establishment of courts - Retrenchment in the Revenue Department - Proposals - Papers recorded.